

APR 09 2019

GRANTED and SO ORDERED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL No. 2327

THIS DOCUMENT RELATES TO:

JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE

*Wanda Holmer and Rich Holmer. v. Ethicon,
Inc., et al., Case No. 2:17-cv-00093*

MOTION TO DISMISS WITHOUT PREJUDICE AND TO TRANSFER TO MDL 2326

Plaintiffs Wanda Holmer and Rich Holmer and Defendants, Ethicon, Inc. and Johnson & Johnson in the above-referenced civil action, by and through their respective counsel of record, hereby stipulate and agree to the dismissal of Ethicon, Inc. and Johnson & Johnson as defendant in the above-reference action without prejudice, with each party to bear its own costs.

Boston Scientific Corp. remains in this action, and Plaintiffs will continue to prosecute these actions against them. To that end, Amended Short Form Complaints will be filed against the remaining defendants.

Further, Plaintiffs move to transfer this actions from MDL 2327, In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2326, In re: Boston Scientific Corp., Pelvic Repair System Products Liability Litigation. Plaintiffs filed a Short Form Complaint in MDL 2327 against Ethicon, Inc. and others. Within fourteen (14) days of the filing of this motion, Plaintiffs will file Amended Short Form Complaints that no longer includes Ethicon, Inc. and Johnson & Johnson as a named defendant.

Because Ethicon, Inc. and Johnson & Johnson are no longer named defendants in this case, Plaintiffs respectfully request that the Court: 1) GRANT the Plaintiff's motion to transfer these actions from MDL 2327 to MDL 2326; and 2) direct the Clerk to disassociate these civil actions as member cases in MDL 2327 and re-associate them with MDL 2326.

Dated: February 22, 2019

Respectfully submitted:

Attorney for Plaintiffs

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